

REMARKS

Claims 1-57 are pending in the present application. Reconsideration of the claims is respectfully requested.

I. Examiner Interview

Applicant thanks the Examiner for the courtesies extended in the telephonic interview on April 30, 2004. Applicant argued that *Daigle* does not teach an OID abstraction layer that is capable of receiving queries for objects in two or more different protocols. An OID abstraction layer that is capable of receiving queries in a plurality of protocols is not shown in the prior art. Applying techniques used to locate people in a whitepages directory service in an OID abstraction layer would require undue experimentation and would amount to an inventive leap that can only be made with the benefit of Applicant's disclosure. The Examiner responded that *Daigle* teaches the pieces missing from *Spofford et al.* and *Whitehead et al.* and, therefore, the combination would have been obvious.

II. 35 U.S.C. § 103, Obviousness

The Office Action rejects claims 1-4, 20-23, 28, 35-36, 39-42, 47, and 54-56 under 35 U.S.C. § 103 as being unpatentable over *Spofford et al.* (U.S. Patent No. 5,913,037) in view of *Whitehead et al.* (U.S. Patent No. 6,085,030) and further in view of *Daigle* (TISDAG -- Monthly report). This rejection is respectfully traversed.

Spofford teaches a dynamic management information base manager. A management information base (MIB) manager allows agents to add or delete objects to any level within the MIB tree by object identifier (OID). See *Spofford*, Abstract. The MIB manager is a set of software interfaces, semantics, procedures, and data structures that work together to dynamically manage a tree of simple network management protocol (SNMP) data objects identified by an OID along with each object's value. SNMP is the only protocol contemplated by *Spofford*. *Spofford* does not teach or suggest an OID abstraction layer. More particularly, *Spofford* does not teach or suggest an OID

abstraction layer that is capable of receiving queries for objects in two or more different protocols, as recited in claim 1.

Whitehead teaches a network component server that provides an object-neutral global component registry. See *Whitehead*, Abstract. *Whitehead* does not teach or suggest an OID abstraction layer that receives an OID tree structure from a repository and registers the tree structure with a registry associated with the OID abstraction layer, as recited in claim 1. More particularly, *Whitehead* does not teach or suggest an OID abstraction layer that is capable of receiving queries for objects in two or more different protocols, as recited in claim 1. Therefore, *Whitehead* does not make up for the deficiencies of *Spoofford*.

Daigle teaches a technical infrastructure for Swedish directory access gateways (TISDAG). The TISDAG project taught by *Daigle* facilitates indexing of information from online Swedish directory service providers. Users may search the directory services for a person. The search results include full name of the person, e-mail address, organization, locality, full address, and telephone numbers. See *Daigle*, page 3 of the printout.

Non-analogous art cannot be used to establish obviousness. *In re Pagliaro*, 210 U.S.P.Q. 888, 892 (C.C.P.A. 1981). Although one of ordinary skill in the art is presumed to be aware of all prior art in the field to which the claimed invention pertains, he or she is not presumed to be aware of prior art outside of that field and the field of the problem to be solved; i.e., analogous art. The presently claimed invention is directed towards the field of object identifiers (OIDs) for network resources, while *Daigle* is directed towards a whitepages director for providing information about people. Therefore, *Daigle* is non-analogous art and cannot be used to form a *prima facie* case of obviousness.

Furthermore, *Spoofford* and *Whitehead* teach object identifiers (OIDs) for components to be managed in a network. *Daigle* is not in the same field of endeavor as *Spoofford* and *Whitehead*. Therefore, a person of ordinary skill in the art would not look to *Daigle* to solve the problems associated with *Spoofford* and *Whitehead*. In fact, the Office Action does not recognize a problem associated with *Spoofford* and/or *Whitehead* for which the teachings of *Daigle* would provide a solution. In fact, the Office Action alleges that a person of ordinary skill in the art would find it obvious to combine

Spofford, Whitehead, and Daigle with the motivation of "search refinement and retrieval of information." It is unclear how *Spofford, Whitehead, and Daigle* are being combined or how the proposed combination achieves the stated goal. Applicant asserts that a person of ordinary skill in the art would not be motivated to combine a whitepages directory gateway for retrieving information about people with an OID abstraction layer.

Receiving queries in a plurality of protocols may be generally known; however, an OID abstraction layer that is capable of receiving queries in a plurality of protocols, particularly as recited and combined in claim 1, is not shown in the prior art. Applying techniques used to locate people in a whitepages directory service in an OID abstraction layer would require undue experimentation and would amount to an inventive leap that can only be made with the benefit of Applicant's disclosure.

The applied references, taken alone or in combination, fail to teach or suggest each and every claim limitation. Therefore, claim 1 is not rendered obvious by the proposed combination of *Spofford, Whitehead, and Daigle*. Independent claims 20, 28, 39, and 47 recite subject matter addressed above with respect to claim 1 and are allowable for the same reasons. Since claims 2-4, 21-23, 35, 36, 40-42, and 54-56 depend from claims 1, 20, 28, 39, and 47, the same distinctions between *Spofford, Whitehead, and Daigle* and the invention recited in claims 1, 20, 28, 39, and 47 apply for these claims. Additionally, claims 2-4, 21-23, 35, 36, 40-42, and 54-56 recite other additional combinations of features not suggested by the reference. Therefore, Applicant respectfully requests withdrawal of the rejection of claims 1-4, 20-23, 28, 35-36, 39-42, 47, and 54-56 under 35 U.S.C. § 103.

More particularly, with respect to claims 56, the Office Action states:

As to claims 39-42, 47, 54-56, they are apparatus claims of claims 1-4, 9, 16-18; they are rejected for the same reasons as claims 1-4, 9, 16-18 above.

Office Action, dated March 10, 2004. Applicant respectfully disagrees. Claims 9 and 16-18 are rejected under different grounds of rejection. Applicant assumes that claim 56 is intended to be included in the same rejection that addresses claims 9, 16, and 17.

The Office Action rejects claims 5-18, 24-27, 29-34, 37, 43-46, and 48-53 under 35 U.S.C. § 103 as being unpatentable over *Spofford* in view of *Whitehead* and *Daigle* and further in view of *Ferguson* (U.S. Patent No. 6,016,499). This rejection is respectfully traversed.

Ferguson does generally teach application program interfaces (API) and, more specifically, teaches an API that includes at least one callable element that is capable of accessing a component of a repository in response to being called and a driver that is capable of translating a database language statement, such as an SQL statement, into an executable API sequence. However, *Ferguson* does not teach or suggest an OID abstraction layer that is capable of receiving queries for objects in two or more different protocols, as recited in claim 1. Therefore, *Ferguson* does not make up for the deficiencies of *Spofford*, *Whitehead*, and *Daigle*. As such, the proposed combination of *Spofford*, *Whitehead*, *Daigle*, and *Ferguson* cannot render obvious the present invention, as further limited by claims 5-18, 24-27, 29-34, 37, 43-46, and 48-53. Since the applied references, taken alone or in combination, fail to teach or suggest each and every claim limitation, claims 5-18, 24-27, 29-34, 37, 43-46, and 48-53 are not rendered obvious by the proposed combination of *Spofford*, *Whitehead*, *Daigle*, and *Ferguson*.

Therefore, Applicant respectfully requests withdrawal of the rejection of claims 5-18, 24-27, 29-34, 37, 43-46, and 48-53 under 35 U.S.C. § 103.

The Office Action rejects claims 19, 38, 57 under 35 U.S.C. § 103 as being unpatentable over *Spofford* in view of *Whitehead* and *Daigle* and further in view of Admitted Prior Art (APA). This rejection is respectfully traversed.

There is no suggestion or motivation whatsoever in *Spofford* for using CIM/XML. The MIB manager of *Spofford* is incapable of processing queries in CIM/XML protocol. The mere fact that a prior art reference can be readily modified does not make the modification obvious unless the prior art suggested the desirability of the modification. *In re Laskowski*, 871 F.2d 115, 10 U.S.P.Q.2d 1397 (Fed. Cir. 1989) and also see *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992) and *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1993). The Office Action may not merely state that the modification would have been obvious to one of ordinary skill in the art without

pointing out in the prior art a suggestion of the desirability of the proposed modification. In this case, the only suggestion or motivation for making the proposed modification is found in Applicant's own specification. As a result, absent any teaching, suggestion, or incentive from the prior art to make the proposed modification, the presently claimed invention can be reached only through the an impermissible use of hindsight with the benefit of Applicant's disclosure a model for the needed changes.

Claims 38 and 57 recite subject matter addressed above with respect to claim 19 and are allowable for the same reasons. Therefore, Applicant respectfully requests withdrawal of the rejection of claims 19, 38, and 57 under 35 U.S.C. § 103.

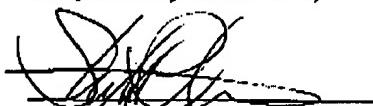
III. Conclusion

It is respectfully urged that the subject application is patentable over the prior art of record and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: May 4, 2004

Respectfully submitted,



Stephen R. Tkacs
Reg. No. 46,430
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 367-2001
Agent for Applicant